

Application No.: 10/709,119

Docket No.: 65833-0012

REMARKS

Claims 1-35 were previously pending. Applicant has canceled claims 11, 16, 31 and 35, and Applicant has added new claims 36-41. Accordingly claims 1-10, 12-15, 17-30, 32-34 and 36-41 are currently pending.

The Examiner rejected all of the previously pending claims under 35 U.S.C §102 and/or §103 in light of U.S. Patent No. 5,769,947 to Krappweis and various other secondary references, as applicable. Applicant has amended the independent claims herein and added additional claims that Applicant believes overcomes the Examiner's rejections under §§102 and 103. The Examiner also provisionally rejected claims 1-2, 6-8, 10-12, 16-31 and 35 under the judicially created doctrine of obviousness-type double patenting in light of copending Application No. 10/336,943 to Schultz in view of Krappweis. Applicant believes that the aforementioned amendments also overcome the Examiner's double-patenting rejection. Finally, the Examiner has rejected claims 1-2, 6-8, 10-12, 16-31 and 35 under 35 U.S.C. §103 in light of copending Application No. 10/336,943 to Schultz and Krappweis. Applicant respectfully traverses this rejection, as Schultz is not a proper prior art reference under 35 U.S.C. §103.

Rejection of Claims 1-2, 6-8, 10-12, 16-31 and 35 under 35 U.S.C. §103 In Light of Copending Application No. 10/336,943 to Schultz and Krappweis.

The current application and copending Application No. 10/336,943 to Schultz, at the time the claimed invention of the current application was invented, were both owned by and/or under obligation to be assigned to Sealant Equipment and Engineering, Inc. Accordingly, copending Application No. 10/336,943 is not proper prior art under §103. Applicant respectfully requests that the Examiner withdraw her rejection.

Rejection of Claims 1-35 Under 35 U.S.C. §102/103

The Examiner rejected claims 1-35 under 35 U.S.C. §102 and/or §103 in light of Krappweis and various other references. Applicant has amended independent claims 1 and 17 to more clearly define the recited invention over the alleged prior art.

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Claim 1, as amended, is directed to a multiple orifice applicator, comprising:

an applicator body having an inlet port;

at least one dispersing chamber in fluid communication with said inlet port, each said dispersing chamber having an inlet and an outlet wherein a width of said dispersing chamber generally increases from said inlet to said outlet; and

a detachable applicator plate having a plurality of outlet orifices in fluid communication with said at least one dispersing chamber for dispensing the fluid material onto the work piece;

wherein said at least one dispersing chamber is partially disposed within said applicator plate and partially disposed outside of said applicator plate.

Thus, claim 1 now recites that the width of the at least one dispersing chamber generally increases from its inlet to its outlet, and that the dispersing chamber is partially disposed within the applicator plate and partially disposed outside of the applicator plate. Applicant submits that the cited prior art does not disclose these features.

Krappweis is directed to an apparatus for applying glue onto a substrate. Figure 6 shows the alleged "applicator plate" 20 having three "distributor chambers" 24, 25 and 26 in communication with a plurality of outlet "bores" 28. However, the "distributor chambers" 24, 25 and 26 are square. They do not, as now recited in claim 1, generally become wider from the inlet to the outlet. Further, the "distributor chambers" 24, 25 and 26 are disposed entirely within the alleged "applicator plate" 20. Krappweis does not disclose an apparatus where the "distributor chambers" are partially disposed in the applicator plate and partially disposed outside of the applicator plate, as now recited in claim 1. None of the cited prior art references cure these deficiencies in Krappweis.

For at least these reasons, Applicant submits that independent claim 1 and dependent claims 2-10, 12-15 and 36-38 are allowable over the cited prior art. Further, independent claim

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17 includes the same relevant limitations with respect to the multiple orifice applicator as does claim 1. Accordingly, for the same reasons, Applicant submits that independent claim 17 and dependent claims 18-30, 32-34 and 39-41 are allowable over the cited prior art.

Dependent claims 36-41 are allowable for additional independent reasons. Claims 36 and 39 recite that part of the dispersing chamber is disposed in the applicator body. Neither Krappweis nor any of the other cited prior art references disclose this feature. Claims 37 and 40 recite a sealing member at least partially disposed in a groove that extends between two dispersing chambers. Neither Krappweis nor any of the other cited prior art references disclose this feature. Thus, these are additional reasons why claims 36, 37, 39 and 40 are allowable over the cited prior art.

Finally, claims 38 and 41 recite that the distance between the outlet ends of the dispersing chambers are approximately the same or less than the width of the sealing member. In an applicator where the outlets of the dispersing chambers are very close together, i.e., whether they are approximately the same or less than the width of a sealing member, it would be difficult or impossible to install a sealing member between the dispersing chambers, unless the dispersing chambers were partially disposed in the applicator plate and partially disposed outside of the applicator plate, as recited in the claims. This combination of features is not disclosed in Krappweis or the other cited prior art references. Accordingly, claims 38 and 41 are allowable over the cited prior art for this additional reason.

**Double-Patenting Rejection In Light of co-pending
Application No. 10/336,943 to Schultz In View of Krappweis**

The Examiner has provisionally rejected claims 1-2, 6-8, 10-12, 16-31 and 35 under the doctrine of obviousness-type double patenting. As set forth above, the features of independent

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claims 1 and 17 (and, therefore, the remaining dependent claims) are not disclosed in Krappweis or Schultz. Specifically, the cited prior art does not disclose a dispersing chamber that is disposed partially in a detachable applicator plate and partially outside of the applicator plate. Accordingly, Applicant submits that cited prior art does not establish a *prima facie* case of obviousness against the pending claims. Applicant respectfully requests that the Examiner withdraw her rejection.

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CONCLUSION

Applicants respectfully submits that all of the Examiner's rejections have been overcome by the amendments and remarks set forth hereinabove. Therefore, Applicant requests that the Examiner withdraw the rejections.

Applicant believes any fee due has been addressed in an accompanying transmittal. Please charge our Deposit Account No. 18-0013, under Order No. 65833-0012 from which the undersigned is authorized to draw.

Dated: October 21, 2005

Respectfully submitted,

By 

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